

Claim 1:

A pump system for parking brakes for a rail vehicle, comprising:

a bi-directional pump having pump apply and pump release ports and an actuator;

a reservoir in fluid communication with a manifold;

the manifold having manifold apply and manifold release ports connecting the pump apply and pump release ports, respectively, with the reservoir;

a single pressure relief valve configured to allow fluid flow into the reservoir when a system pressure at the pressure relief valve reaches a predetermined level, thereby limiting the actuator's input force;

a shuttle valve that selectively connects the pressure relief valve to either the pump apply port or the pump release port, whichever has the higher pressure;

a brake cylinder having a brake apply port and a brake release port in fluid communication with the pump apply port and pump release port, respectively, and a brake piston; and,

wherein, the pump and the reservoir are mounted directly on the manifold forming an integral unit.

Amended Claim 11:

The pump system for parking brakes for a rail vehicle comprising:

a bi-directional pump having pump apply and pump release ports and an actuator mounted to a manifold;

a reservoir mounted to the manifold;

the manifold connecting the pump apply and pump release ports, respectively, with the reservoir; and

a brake cylinder having a brake apply port and a brake release port in fluid communication with the pump apply port and pump release port, respectively, and a brake piston; ~~and~~ and

wherein the system further includes a single, common pressure relief valve configured to allow fluid flow into the reservoir when a system pressure at the pressure relief valve reaches a pre-determined level, thereby limiting actuator input force. (added portions are underlined and deleted portions are lined out).

First, regarding Examiner's use of the claims or disclosure of the '278 patent as a

base reference, the Examiner has not specifically identified support in the '278 patent for the following: independent Claim 1 limitations of a single pressure relief valve, a shuttle valve, and a pump and reservoir mounted directly on the manifold, forming an integral unit; independent Claim 11 limitation of a single, common relief valve.

Second, it was contended that utilizing a manual controller (not recited in either Claim 1 or 11) and/or a shuttle valve would have been obvious to one of ordinary skill in the art because they are commonplace features in a braking system. Concerning that contention, Applicant asserts that the Examiner has failed to provide or cite any evidence as to why it would be obvious to utilize a manual controller (again, not recited in Claims 1 or 11) and/or a shuttle valve in the braking system of the '278 patent. Furthermore, the Examiner has failed to provide or cite any evidence as to how it would be obvious to utilize a manual controller and/or a shutter valve on the braking system of the '278 patent. It is improper under an obviousness rejection to alter a primary or base reference to adopt a different construction without a teaching as to WHY and HOW such a different construction would be obvious. Without such, the Examiner's contention constitutes an improper "hindsight" construction relying solely on Applicant's teaching, which is an improper basis for rejection.

Moreover, the Examiner's contention of obviousness is but a conclusion rather than a reason, and thus is not a proper rejection under U.S. Patent Law, as clearly pointed out in the attached *Ex Parte* William R. Garrett decision of the Board of Patent Appeals and Interferences.

Lastly, the claims of the instant application and the claims of the '278 patent do not appear to be drawn to the same invention. Rather, the instant claims are drawn to a patentably distinct invention whether or not the manual controller and/or shuttle valve were added to the claims of the '278 patent.

Therefore, for any one or all of the above reasons, reconsideration of this rejection under obviousness-type double patenting is respectfully requested.

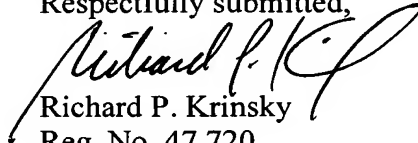
In view of the above, the Application is now in condition for allowance and such is respectfully requested.

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It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and shortages in other fees be charged, or any overpayment in fees be credited, to the Account of Barnes & Thornburg, Deposit Account No. 02-1010 (509/37206).

Respectfully submitted,


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Enclosure: Copy of *Ex Parte* William R. Garrett